



# RESEARCH REPORT

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<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>To:</b>	David Smith, County Administrative Officer
<b>From:</b>	Sandi Wilson, Deputy County Administrator Chris Bradley, Budget Manager
<b>Prepared By:</b>	Michael Kuzmin, Management and Budget Analyst Maria K. Tutelman, Management and Budget Analyst

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## I. Issue

What is the cost benefit of the Maricopa County Adult Probation Department's proposed Conditional Community Release Program for the Seriously Mentally Ill and is the program feasible?

## II. Background

### A. Introduction

The Maricopa County Adult Probation Department (MCAPD) submitted a budget issue during the FY 2000-01 budget cycle, requesting funding for the Conditional Community Release Program for the Seriously Mentally Ill (SMI). Funding for the proposed program was not considered at the time until the Office of Management and Budget (OMB) was able to conduct further research.

The proposal for the Conditional Community Release Program was in response to discussions with the Justice Systems Coordinator, due to the passing of proposition 400. Additionally, it addresses the population directly affected by the 1981 Arnold v. Sarn lawsuit.

### B. Proposition 400

The MCAPD Reach Out Pilot Program was the first program funded by Maricopa County under Proposition 400, to address substance abuse treatment for Maricopa County felony offenders. The Conditional Community Release Program is the second program the MCAPD is proposing for funding under Proposition 400. As approved by the voters on November 3, 1998, Proposition 400 establishes a 1/5 of

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	2

a cent sales tax to fund the building and operation of new Maricopa County jails and new programs or services that would help reduce future jail costs.<sup>1</sup>

The jail sales tax is to be collected until no more than \$900,000,000 is collected for a duration of nine years, beginning January 1, 1999.<sup>2</sup> Proposition 401 accompanied Proposition 400, as it enabled the County to increase its fiscal year (FY) 1979-80 base expenditure limit [by an estimated \$68.5 million in FY 1999-00], so that the County can spend what is needed to maintain and operate the new jails. **The one caveat with the passage of Proposition 400 is that the sales tax ends after nine years. Therefore, County Administration decided to use jail tax revenue to fund one-time costs. Any new programs' or services' ongoing costs would be paid out of the County General Fund effective upon approval of funding.**

**The aforementioned decision enables the County to avoid having to absorb all costs associated with the new jails after the expiration of the jail tax in FY 2007-08, which would put the County in a difficult financial situation. However, having to begin absorbing operational costs immediately for a new program such as the proposed Conditional Community Release Program, requires the re-allocation of existing resources. Therefore, it is important to show a cost benefit in implementing the program and that its implementation is feasible considering the many obstacles involved in treating the SMI population, mainly the lack of funding to treat SMIs in the community, allowing them to re-integrate back into the community.**

### **C. Arnold v. Sarn**

The Conditional Community Release Program is directly impacted by the Arnold v. Sarn lawsuit, which recently resulted in new legislation by the Arizona legislature. The Arnold v. Sarn lawsuit was filed as a "class action in 1981 to enforce the provisions of the Community Mental Health Residential Treatment System on behalf of the seriously mentally ill in Maricopa County."<sup>3</sup>

In 1986, the Maricopa County Superior Court found that the Arizona Department of Health Services had the:

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<sup>1</sup> Publicity Pamphlet/Sample Ballot for the Maricopa County Jail Election, Propositions to be submitted to the qualified electors of the County of Maricopa at the General Election November 3, 1998, Maricopa County Recorder Elections Official Voting Materials, page 4.

<sup>2</sup> Publicity Pamphlet/Sample Ballot for the Maricopa County Jail Election, Propositions to be submitted to the qualified electors of the County of Maricopa at the General Election November 3, 1998, Maricopa County Recorder Elections Official Voting Materials, page 4.

<sup>3</sup> Final Report, November 30, 1999, Taskforce on Improving the Arizona Mental Health System, page 8.

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	3

- Primary responsibility to provide mental health services to the SMI population,
- Mandatory and non-discretionary obligations to provide an adequate system of community health services,
- Responsibility to provide community residential programs and services as alternatives to more costly constitutional care,
- Provide a full continuum of care, not limited to: inpatient care, case management, residential services, day treatment, outreach, mediations, outpatient counseling, crisis stabilization, mobile crisis services, socialization, recreation, work adjustment and transportation<sup>4</sup>

The Court ruled that the Arizona Department of Health Services (ADHS) had “breached its mandatory non-discretionary duties...to provide a unified and coordinated mental health system” for SMIs.<sup>5</sup> In 1991, the “Implementation Plan” or *Blueprint* was approved by the Court to implement the Community Mental Health Residential Treatment System. However, in 1995, as the State failed to meet its obligations, another agreement was developed, entitled “Stipulation for Exit Criteria and Disengagement.” In 1998, the State having failed to meet its obligations again, the Court approved a Supplemental Agreement, which allowed ADHS to retain the Human Services Research Institute (HSRI) to assess what was needed to address the SMI population’s needs and what it would cost. **The final, adjusted cost to treat Maricopa County’s SMIs, according to HSRI is \$317 million dollars, \$528 million dollars for all of Arizona. Currently, the State spends about \$172 million dollars.**<sup>6</sup>

## 1. House Bill 2003

**On June 28, 2000, the Arizona legislature passed House Bill (HB) 2003, which was signed into law by Arizona Governor Jane Hull on June 30, 2000. HB 2003 establishes a serious mental illness services fund for ADHS, appropriating \$50 million dollars from the tobacco litigation settlement to the fund in FY 2000-01. The \$50 million dollars is a one-time appropriation, to be used for the development of**

<sup>4</sup> All bulleted information from the Final Report, November 30, 1999, Task Force on Improving the Arizona Mental Health System, page 8.

<sup>5</sup> Ibid., page 8.

<sup>6</sup> Ibid., page 10.

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	4

**programs and services that are of a one-time nature but may be implemented over a few years; the fund terminates July 1, 2005.<sup>7</sup>**

According to an August 30, 2000, memorandum from ValueOptions, Maricopa County's Regional Behavioral Health Authority (RBHA) - contracted by the County to treat the County's SMI population -, a major portion of the \$50 million dollars will be used in Maricopa County. From a discussion with the Arizona State Senate Health Legislative Analyst, as of November 27, 2000, based on the Arizona Legislature's Joint Legislative Budget Committee (JLBC) favorable review of ADHS's spending plan for the fund, the \$50 million dollars had already been distributed to ADHS and was already being spent by the different RHBAs throughout the state.

**According to the October 12, 2000 memorandum from Gina Guarascio, Senior Fiscal Analyst with JLBC, ADHS's plan on the use of the \$50 million dollars is as follows <sup>8</sup> :**

- **Housing Programs – An estimated \$16,975,700 will be spent to purchase properties that will be reserved, by deed restriction, for SMIs, over the next 15 years.**
- **Recovery Support and Vocational Rehabilitation Services – An estimated \$26,609,000 will be spent on recovery support and vocational rehabilitation services.**
- **Other – An estimated \$6,115,300 will be spent on specialized assessment, training, and administration or profit for RHBAs (ADHS allows RHBAs 8% of total contract for administration and 4% for profit).**

**Therefore, about 34% of the total fund will be used for new housing of SMIs and 53% for recovery and rehabilitation; the remaining will cover administrative costs and profit for the RHBAs.**

## **2. Proposition 204**

<sup>7</sup> Summary Sheet, House of Representatives HB 2003, June 28, 2000, page 1. Memorandum from Gina Guarascio, Senior Fiscal Analyst, Joint Legislative Budget Committee (JLBC), October 12, 2000, page 2.

<sup>8</sup> Memorandum from Gina Guarascio, Senior Fiscal Analyst, Joint Legislative Budget Committee (JLBC), October 12, 2000, page 2.

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	5

On November 7, 2000, Arizona voters passed Proposition 204, which revised the eligibility definition for the Arizona Health Care Cost Containment System (AHCCCS), the state's indigent health care system. One of the eligibility criteria for AHCCCS is income. Currently, a person applying for AHCCCS benefits must not have a net income that exceeds 34% of the federal poverty level. By the passing of Proposition 204, a person's net income may now be 100% of the federal poverty level to be eligible for AHCCCS.

In order to pay for the increased number of people eligible for AHCCCS by raising the income level for eligibility, Proposition 204 establishes the Arizona Tobacco Litigation Settlement Fund. An estimated \$3.2 billion dollars will be deposited into this fund over the next 25 years, representing Arizona's portion of the tobacco settlement from the 1998 lawsuit filed by 46 states nationwide including Arizona. Tobacco manufacturers will pay an estimated total \$206 billion dollars to the 46 states, to recover costs states have spent for cigarette smoking health related issues. The amount to be paid may be adjusted depending on future cigarette sales trends.<sup>9</sup>

According to the discussion with the Arizona State Senate Health Legislative Analyst, Proposition 204 will have no negative impact on HB 2003, as the \$50 million dollars appropriated for SMI's by HB 2003 has already been funded. However, more SMI's may potentially become eligible for AHCCCS; that information is currently not available.

### III. Discussion

#### A. Program Purpose, Goals, and Performance Measures

The purpose of the proposed Conditional Community Release Program is to implement a new process which identifies, within a 24 hour period, SMI offenders with **co-occurring mental health and substance abuse disorders** who are arrested on a felony probation violation so they can gain early entry into treatment. Additionally, the program would identify any SMI's in jail, awaiting sentencing. Note that only **non-violent felony offenders** would be considered for the program.

Currently, the Maricopa County Sheriff's Office (MCSO) jail information management system is electronically linked with the ValueOptions database, notifying ValueOptions caseworkers that their client is in jail. The caseworker is

<sup>9</sup> 2000 Ballot Propositions, General Election November 7, 2000, pages 159-160.

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	6

then able to coordinate medication requirements and any other treatment needed in jail.

Once the offender has been identified, MCAPD will link the offender with community resources necessary to function outside of the jail setting, aiding in the provision of a continuum of care for successful re-integration back into the community. The community resources include housing, substance abuse and psychiatric treatment including medication, and employment.

Once a discharge plan has been developed by MCAPD for the offender, including the provision of treatment and housing requirements for the individual offender, a recommendation for release under probation will be made by MCAPD to the court. Once released, the offender's compliance with his or her terms of release will be monitored by MCAPD.

Since MCAPD has limited funds for treatment and housing, the Conditional Community Release program will use the services of a contracted psychiatrist to successfully enroll the offender in ValueOptions, charged with caring for the SMI population of Maricopa County. The \$50 million dollars recently appropriated by the Arizona legislature should help in ValueOptions' ability to pay for the care of more SMIs.

**The goals of the Conditional Community Release Program are as follows:**

- **Reduce jail time by early release**
- **Reduce recidivism by expediting entry into treatment**
- **Increased enrollment into ValueOptions, providing a continuum of care for re-integration back into the community**

**The performance measures are as follows:**

**Results:** % of eligible mentally ill substance abusing probationers (potential probationers) who are released early from jail to receive substance abuse and mental health treatment services

**OMB recommends the additional results measures:**

**% of mentally ill substance abusing probationers in the Conditional Community Release Program who reoffend while in the program, compared to % of mentally ill substance abusing probationers who reoffend while on probation [exclude program participants from total] – this measure should**

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	7

also differentiate those who are receiving treatment through ValueOptions vs. those who are not

% of mentally ill substance abusing probationers in the Conditional Community Release program who gained entry into ValueOptions, within 45 days of release

% of reduction in jail days through early release

% of eligible mentally ill substance abusing probationers who are granted early release from jail

Outputs: # of probationers (potential probationers) who receive an early release treatment plan

OMB recommends the additional output measures:

# of mentally ill substance abusing probationers in the Conditional Community Release Program who reoffend while in the program

# of mentally ill substance abusing probationers who gain entry into ValueOptions, within 45 days

# of jail days saved

# of mentally ill substance abusing probationers who are granted early release from jail

Demand: The anticipated # of seriously mentally ill substance abusing probationers who are incarcerated in the Maricopa County jail as an initial term of probation, as a result of a probation violation or pending sentencing

Efficiency: The dollar cost of providing an early release treatment plan to an eligible offender

OMB recommends the additional efficiency measures:

The dollar cost of assisting entry into ValueOptions

The dollar savings in jail days

The dollar savings of reducing the reoffense rate

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	8

## **B. Program Process**

(Please refer to attached Appendix A for a visual representation of the process)

The proposed program utilizes a Community Liaison position (officially titled Judicial Administrator II) to coordinate communication among the Maricopa County Superior Court Pretrial Services Agency (PSA), Maricopa County Correctional Health Services (CHS), and the Maricopa County Sheriff's Office (MCSO), to identify SMIs. The PSA interviews all newly booked arrestees within 24 hours of arrest. Correctional Health Services operates the jails' two psychiatric units. The Sheriff's Office obtains information on the offender during the booking process.

The Community Liaison will also work with ValueOptions to determine if an inmate is already case managed by ValueOptions. If an inmate is case managed by ValueOptions, the Community Liaison will coordinate inmate release with the Value Options case manager within the first 5 days of incarceration. The remaining identified inmates will be screened for participation in the Conditional Community Release Program.

Eligibility will be determined within the first 10 days of incarceration. The eligibility criteria are as follows:

- Probationers, as well as offenders awaiting sentencing in jail, who have both substance abuse issues as well as a current Axis 1 mental health diagnosis.
- Probationers with a history of violence not accounted for by their psychiatric profile, arsonists, and anyone who is a "danger to self or other" will be excluded. Probationers will exhibit psychiatric stability prior to release.

For eligible inmates, the Community Liaison will identify necessary support for a successful inmate release (medication, Psychiatric consultation, housing etc.) and then coordinate release from jail with the Probation Officer, Surveillance Officer and Justice System partners (Sheriff's Office, Superior Court, etc.). Once a discharge plan has been developed, MCAPD will request the court to release the offender under probation. The offender's terms of probation will be monitored by one probation officer and one surveillance officer. The goal is to gain enrollment into ValueOptions within 45 days of release from jail.

## **C. The SMI Population in the Maricopa County Jails**

Nationally, according to a July 1999 Bureau of Justice Statistics Special Report on "Mental Health and Treatment of Inmates and Probationers", surveys conducted in



<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	9

the Nation's jails indicate that about 16% or 96,700 inmates in local jails "reported either a mental condition or an overnight stay in a mental hospital.

Additionally, about 16%, or an estimated 547,800 probationers, said they had had a mental condition or stayed overnight in a mental hospital at some point in their lifetime."<sup>10</sup>

According to the MCAPD, Dr. Jack Potts, Chief Forensics Psychiatrist for the Maricopa County Superior Court, reported that there are between 530–630 SMIs in jail, at any given time, representing about 8–9% of the total jail population in Maricopa County. Dr. Potts indicated that was a conservative estimate based on symptomology. Currently, there is no formal tracking mechanism to identify SMIs in the Maricopa County jails.

MCAPD estimates conservatively that, about 7%, or 1,610 probationers in Maricopa County would be considered SMI. Current SMI caseload for MCAPD is 450 probationers, with only 50% enrolled in ValueOptions.

MCAPD has stated that according to MCAPD and CHS's encounters with SMIs, about 80% have co-occurring mental health and substance abuse disorders. According to MCAPD, both a National Gains Center 1997 study and a 1993 study conducted by the National Coalition for the Mentally Ill in the Criminal Justice Center reported that an estimated 7% of jail inmates have co-occurring mental health and substance abuse disorders. This figure then is not inconsistent with Dr. Pott's estimate that 8-9% of County inmates are SMIs and MCAPD's and CHS's estimates that 80% of those inmates have co-occurring mental health and substance abuse disorders.

Therefore, the potential for referrals to the program does exist, although information on types of offenses is not available. However, MCAPD indicates that the majority of probation violations by SMIs involve low severity level type of offenses such as trespassing, possession of drug paraphernalia, etc.

#### **D. Projected Caseload**

The MCAPD projects the successful early release of 15 SMIs per month, which would be 180 per year. Estimated time to successful enrollment into ValueOptions is 45 days. Based on that timeframe, MCAPD estimates that a maximum of 40 SMIs will be case managed at any given time.

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<sup>10</sup> "Mental Health and Treatment of Inmates and Probationers", Bureau of Justice Statistics Special Report, U.S. Department of Justice, Office of Justice Programs, July 1999, pages 1-3.

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	10

The projection of 15 releases per month was derived by internal departmental discussions with probation officers currently case managing the 450 SMIs on probation. The following is a six-month review of SMI probationers re-arrested and incarcerated on a probation violation:

<b>SMI Probationers Re-Arrested and Incarcerated on Probation</b>		
<b>Month</b>	<b>Number of Probationers</b>	<b>% of SMI Caseloads</b>
Apr-00	58	13.43
May-00	61	14.88
Jun-00	57	13.94
Jul-00	61	15.17
Aug-00	72	18.14
Sep-00	63	16.28

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	11

## E. Cost Benefit Analysis

### 1. Cost

The Adult Probation department requested \$373,858 to fund the Conditional Community Release Program, \$199,600 of which is for contract services, broken down as follows:

<b>Contractual Services, FY 2000/01</b>	
<b>Description</b>	<b>Cost (annualized)</b>
Psychiatrist at \$80/hour x 1,380 hours	110,400
Medication @ \$500/person x 100 cases	50,000
Laboratory services	5,000
Housing @ \$120/week x 20 persons for 8 weeks	19,200
Program evaluation	15,000
<b>Total</b>	<b>199,600</b>

The total budget request is as follows:

<b>FY 2000/01 Budget Request Conditional Community Release Program</b>	
<b>Description</b>	<b>Cost (annualized)</b>
Salaries	117,478
Benefits	24,743
Equipment	21,513
Travel	6,200
Operational	4,324
Contractual	199,600
<b>Total</b>	<b>373,858</b>

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	12

The following table summarizes all proposed program employee costs:

<b>Seriously Mentally Ill Substance Abusers Program Employee Costs</b>			
<b>Employee Type</b>	<b>Cost (Wages + Benefits)</b>	<b># of Positions</b>	<b>Total Cost</b>
<b>Probation Officer III</b>	<b>\$ 49,130</b>	<b>1</b>	<b>\$ 49,130</b>
<b>Surveillance Officer II</b>	<b>\$ 30,614</b>	<b>1</b>	<b>\$ 30,614</b>
<b>Judicial Administrator II</b>	<b>\$ 35,278</b>	<b>1</b>	<b>\$ 35,278</b>
<b>Court Information Processor III</b>	<b>\$ 27,198</b>	<b>1</b>	<b>\$ 27,198</b>
<b>Total Employee Cost</b>			<b>\$ 142,220</b>

As previously indicated, the Judicial administrator II position will serve as the Community Liaison, linking SMI with the necessary community resources to function outside of the jail setting. The Probation and Surveillance officer positions will be responsible for monitoring program participants to ensure that conditions of probation are maintained. The Court Information Officer III position will perform clerical functions for the program.

The MCAPD indicated that other funding sources, including the State funded Community Punishment Program (CPP) grant and the Federally funded Co-Occurring Prevention and Education (COPE) grant administered by ValueOptions will fund an additional 10 hours per week for the psychiatrist and possibly additional housing, counseling, and medication.

## **2. Benefits**

The anticipated benefits of the Conditional Community Release Program include:

- Reduction in jail days served by SMI inmates, incurring cost avoidance
- Increased enrollment in Value Options, providing a continuum of care for re-integration back into the community
- Reduced criminal recidivism, positively impacting the community and future jail costs

If SMIs are released within 15 days, then the program will achieve a significant reduction in jail days served. Based on a random sample of cases reviewed by MCAPD, SMI probationers revoked on account of a probation violation spend an average of 59.5 days in jail. The following table illustrates the anticipated number of daily jail beds saved if the program achieves the goal of releasing eligible inmates within 15 days.

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	13

<b>Seriously Mentally Ill Substance Abusers Program Anticipated Annual Jail Day Savings</b>				
Estimated annual caseload	Average Time (Days) actually served*	Jail Time Under SMI program	Jail Days Savings	Average Daily Jail Bed Savings
180	59.5	15	44.5	21.95
*Days actually served is based on a sample of 53 SMI cases. Time served was for cases revoked on probation violations.				

**On an annualized basis, this equates to 8,010 jail days saved. Currently, MCSO charges other counties and cities in Arizona \$100 per day to house one of their inmates in either of the two psychiatric units in the Maricopa County jails. Therefore, a savings of 8,010 jail days would result in annual cost avoidance of \$801,000.**

<b>Jail Cost Avoidance</b>		
Annual Jail Days Saved	Daily Cost to Jail an SMI inmate	Estimated Cost avoidance
8010	\$ 100.00	\$ 801,000

SMIs cycle repeatedly through the criminal justice system. Based on a sample provided by MCAPD of 53 SMIs on probation, 68% had prior jail incarcerations with an average number of incarcerations at 4.06. Research indicates that early treatment and continuum of care for particularly the SMI population with co-occurring mental health and substance abuse disorders reduces the likelihood to re-offend. One of the primary reasons SMIs use illegal substances is for self-medication due to unavailability of treatment which includes medication.<sup>11</sup>

#### **F. Program Feasibility**

In order for the program to be successful, MCAPD must be able to successfully gain early release of the SMIs. Therefore, Superior Court's support of the program would be an important variable in that success. MCAPD has indicated that the Criminal Bench strongly supports the program.

Additionally, successful enrollment into ValueOptions would also affect the feasibility and success of the program. Without successful enrollment into the ValueOptions system, MCAPD would not be able to provide the type of services needed by SMIs; therefore, the potential to re-offend would be greater. The recently funded \$50 million dollars by the Arizona legislature for the SMI population in the State should positively impact success in enrollment of more SMIs in ValueOptions.

<sup>11</sup> MCAPD proposal for the Conditional Community Release Program, FY 2000/01, citing various works including Weiss, R. D. (1992), The Role of Psychotherapy in the Transition from Drug Use to Abuse and Dependence.

<b>Catalog number</b>	00-009
<b>Date:</b>	December 1, 2000
<b>Subject:</b>	Maricopa County Adult Probation Department (MCAPD) Conditional Community Release Program for the Seriously Mentally Ill
<b>Page:</b>	14

#### **IV. Conclusions**

The program represents an opportunity to improve the management of SMIs with co-occurring mental health and substance abuse disorders passing through the criminal justice system. The program should improve identification and tracking of the target population, reduce jail days and recidivism, improve enrollment in Value Options, and improve communication between justice system agencies engaged in handling SMIs.

#### **V. Recommendations**

**OMB recommends the following:**

- **The Conditional Community Release Program be funded as a pilot program, with continuous funding contingent on program performance.**
- **An appropriation of \$227,047 from FY 2000-01 General Fund Contingency for start up and operation of the Conditional Community Release Pilot Program, from December 1, 2000 – June 30, 2001. An adjustment in the amount of \$125,297 will be made to the FY 2001-02 target to reflect the annualized ongoing operational costs associated with the program. The following table summarizes FY 2000-01 and FY 2001-02 program expenses:**

<b>Recommended Seriously Mentally Ill Substance Abusers Program Funding</b>		
	<b>FY 00-01*</b>	<b>FY 01-02</b>
<b>Personal Expenses</b>		
Probation Officer III	\$ 28,659	49,130
Surveillance Officer II	\$ 17,858	30,614
Judicial Administrator II	\$ 20,579	35,278
Court Information Processor III	\$ 15,866	27,198
<b>Total Personal</b>	<b>82,962</b>	<b>142,220</b>
<b>Supplies Expenses**</b>	<b>122,572</b>	<b>210,124</b>
<b>Capital Expenses</b>	<b>21,513</b>	<b>-</b>
<b>Total Expenses</b>	<b>227,047</b>	<b>352,344</b>
* FY 00-01 funding effective December 1, 2000		
**Supplies expense includes funding for a contract Psychiatrist		

- **MCAPD prepare quarterly reports with the performance measures as identified in this research report (see Section III.A).**
- **MCAPD submit a one year evaluation report of the Conditional Community Release Pilot Program, to be presented to the Board of Supervisors, in conjunction with program performance status report(s) on other program(s) funded under Proposition 400, including the Reach Out Pilot Program. A summary of how the programs are impacting jail time should also be included.**